

Dec 18, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

No. 1:24-CR-02027-SAB-23

Plaintiff,

ORDER DENYING DEFENDANT'S
MOTION TO MODIFY CONDITIONS
OF RELEASE

v.

JOANNA ARREDONDO,

ECF No. 840

Defendant.

On Wednesday, December 18, 2024, the Court conducted a hearing on Defendant's Motion to Modify Conditions of Release (ECF No. 840). Defendant was represented by court-appointed attorney Troy Lee. Assistant United States Attorney Benjamin Seal represented the United States.

On May 29, 2024, the Court ordered that Defendant was prohibited from having contact with any codefendants in her case, including her husband, Fabian Arredondo, absent further order of the Court. ECF No. 437. Now, Defendant requests that the Court allow her to send photos of herself and her three children to Mr. Arredondo, who is not the biological father of the children. ECF No. 840. The biological father of the children objects to Defendant sending photos of his children to Mr. Arredondo due to concerns for his children's safety and the fact that Mr. Arredondo is not in the community as a father figure for the children.

ORDER - 1

1 ECF No. 846. The United States Attorney's Office and the United States
2 Probation/Pretrial Services Office both object to Defendant's request. *Id.*

3 In this Court's prior order prohibiting contact between codefendants, this
4 Court noted that while there is "a constitutionally protected marital relationship in
5 the prison context," *Turner v. Safley*, 482 U.S. 78, 96 (1987), a court may curtail
6 an individual's fundamental right of association in the pretrial context. *See* 18
7 U.S.C. § 3142(c)(B)(iv) (a court may issue pretrial release conditions that include
8 "abid[ing] by specified restrictions on personal associations, place of abode, or
9 travel"); *NAACP v. Alabama*, 357 U.S. 449, 460 (1958) ("It is beyond debate that
10 freedom to engage in association for the advancement of beliefs and ideas is an
11 inseparable aspect of the 'liberty' assured by the Due Process Clause of the
12 Fourteenth Amendment, which embraces freedom of speech."). Furthermore, this
13 Court noted that a magistrate judge has a statutory mandate to mitigate possible
14 obstruction of an ongoing criminal case. *See* 18 U.S.C. § 3142(f)(2)(B) (stating
15 that a judicial officer shall hold a detention hearing in cases that involve a serious
16 risk that a defendant will "attempt to obstruct justice"). Thus, this Court found that
17 it must curtail Defendant's right to communicate with her codefendant husband in
18 order to prevent obstruction of justice. ECF No. 437.

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1 Now, the Court again weighs Defendant's right to communicate with her
2 codefendant husband, Mr. Arredondo, against the need to prevent obstruction of
3 justice.

4 First, Defendant requests to send photos of her three children to Mr.
5 Arredondo. Notably, Mr. Arredondo is not the father of the children, and the
6 children's biological father objects to Defendant sending the photos to Mr.
7 Arredondo due to safety concerns and the fact that Mr. Arredondo is not a father
8 figure to the children. ECF No. 846. Additionally, there is no indication that Mr.
9 Arredondo has any parental rights to the children or will have any such rights in
10 the future. Therefore, the Court will not allow Defendant to create links between
11 the children and Mr. Arredondo when Defendant is not otherwise allowed to
12 communicate with Mr. Arredondo.

13 Second, Defendant requests to send photos of herself to Mr. Arredondo.
14 While there may be instances in which the Court will allow limited contact for
15 specific purposes between codefendant spouses, this is not one of them. The right
16 to send photos has the potential to be abused in this case. The United States has
17 alleged that the defendants in this case took part in a conspiracy that included
18 circumventing telecommunications monitoring in order to facilitate the
19 introduction of controlled substances into correctional facilities. ECF No. 380.
20 Thus, there is a risk in this case that photos could be misused to send coded

1 messages. It is also not a good use of this Court's time to attempt to mediate
2 disputes between the parties as to whether any such photographs are appropriate in
3 both a legal or non-legal context.

4 Accordingly, **IT IS ORDERED:**

5 1. Defendant's Motion to Modify Conditions of Release (**ECF No. 840**)

6 is **DENIED**.

7 **IT IS SO ORDERED.**

8 DATED December 18, 2024.



9 *Alexander C. Ekstrom*

10 ALEXANDER C. EKSTROM

11 UNITED STATES MAGISTRATE JUDGE

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